

REMARKS

Applicant has considered the outstanding official action. It is respectfully submitted that the claims are directed to patentable subject matter as set forth below.

Applicant notes the Examiner's acceptance of the drawings filed on April 27, 2004.

Claims 1-2 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,428,582 (Smith). Applicant respectfully submits that Smith does not teach each and every element of the claimed invention.

More specifically, Smith describes a collection of cards which have an alphabet letter indicia on one side of the cards and a number drawn from a fixed set of numbers on the other side of the cards (column 1, lines 44-48). The total number of cards in a deck is 130, which can be decreased by removing certain numbers (column 2, lines 18-27).

Claim 1 is the only pending independent claim. Claim 1 claims an apparatus for playing a game comprising a pack of playing cards having a set of differentiated face designs on the playing cards, said face designs being a conventional or substantially conventional set of playing card markings; and first rules to determine a method of game play with a set of differentiated face designs; wherein a

number of backs of the playing cards possess markings that are coordinated with the face designs found on the playing cards to enable formation of another set different from the set of differentiated face designs and wherein the markings on the backs of the cards constitute a set of differentiated back designs which can be used to play a game in accordance with second rules of game play and which can not be used to play a game in accordance with said first rules of game play.

Accordingly, Smith does not teach a set of cards having conventional playing card markings on one side of the cards. The specification of Smith describes numerous games at columns 2 through 14 which can be played with the lettered and numbered cards disclosed. However, none of these games allow for the cards to be used as a normal pack of cards. Thus, Smith does not teach each and every element of the claimed invention and therefore does not anticipate the claimed invention within the meaning of 35 U.S.C. § 102. Withdrawal of the § 102 rejection is respectfully requested.

Claims 3-4 and 7 are rejected under 35 U.S.C. § 103(a) over Smith in view of U.S. Patent No. 4,050,698 (Brown).

Brown is relied on for teaching the additional limitation of claims 3-4 and 7. Brown, however, does not make up for the shortcomings of Smith as set forth above.

Brown teaches a deck of playing cards wherein "the back faces of each card (not shown) may be of uniform markings or else marked with distinctive patterns". (See column 2, lines 41-43.) Thus, Brown has identical backings. As shown in the Figures of Brown, the portions of the animals and the card numbers and suits are all on the same side of the cards, i.e., the face side. There is no suggestion in Brown to disassociate the picture portions from the standard playing cards. Thus there is no reason to combine Smith with Brown since each already provides numbers and letters. Additionally, no suggestion is provided to modify Smith and Brown to obtain the claimed invention, since Smith teaches that each side is an independent game and Brown teaches use of only one side of the card, the other side being a uniform pattern as in a conventional deck of cards. Thus, there is no teaching or suggestion to provide applicant's claimed combination of a set of conventional playing card markings on one side with another set of differentiated markings on the opposite side which are coordinated with the set of markings on the first side. Thus, the claims are not rendered obvious within the meaning of 35 U.S.C. § 103. Withdrawal of the § 103 rejection is respectfully requested.

Applicant has distinguished the claimed invention over the prior art as described above based on claim limitations present in the claims as originally filed.

Thus, claims 1-4 and 7 are patentable over the prior art. However, applicant has amended claim 1 to clarify what applicant is claiming as the invention. Specifically, applicant is amending claim 1 to clarify that the invention has a set of differentiated designs on the face of the playing cards and a different set of differentiated designs on the back of the playing cards; and wherein the markings on the backs of the cards constitute a set of differentiated back designs which can be used to play a game in accordance with second rules of the game play and which can not be used to play a game in accordance with the first rules of game play.

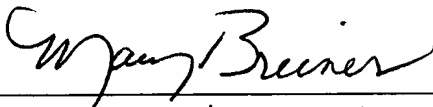
Applicant notes that the invention is patentably distinguishable from the prior art and other known playing card decks, such as a marked deck of cards, in that two different activities, i.e., games or learning skills, may occur simultaneously during play with the pack of playing cards, unlike a marked deck of cards wherein only one activity, i.e., game, may be played. In a marked deck of cards, the indicia on a first face of the playing cards is the same as or represents the same indicia as on the second face of the playing cards and are used together to play a common game. Rather, applicant's invention allows more than one game to be played simultaneously with the pack of playing cards.

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Reconsideration and allowance of the application
is respectfully urged.

Respectfully submitted,

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